

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TALLI J. MCFADDEN	:	CIVIL ACTION
	:	
v.	:	No. 19-2900
	:	
UNITED STATES OF AMERICA, et al.	:	

ORDER

AND NOW, this 22nd day of March, 2021, upon consideration of Defendants United States of America, A. Ellis, K. Lindley, and K. Zellars's Motion to Dismiss, and pro se Plaintiff Talli J. McFadden's opposition, and for the reasons stated in the accompanying Memorandum, it is ORDERED the Motion (Document 25) is GRANTED as follows:

- McFadden's claims for negligent and intentional infliction of emotional distress in Counts II and III are DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1);
- McFadden's constitutional claims in Counts V and VII are DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6);
- McFadden's 42 U.S.C. § 1983 conspiracy claims in Counts I and IV are DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6); and
- McFadden's 42 U.S.C. § 1985 conspiracy claim in Count VI is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).

McFadden shall have until April 22, 2021, to file an amended complaint addressing the deficiencies in his § 1985 conspiracy claim identified in the accompanying Memorandum. Failure to file an amended complaint within the time permitted will result in dismissal of the remaining claim with prejudice.

It is further ORDERED McFadden's Motion for Hearing (Document 23) is DISMISSED
as moot.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.